

# City of Gloucester City Council

CITY HALL • GLOUCESTER • MASSACHUSETTS • 01930 Telephone 978-281-9722 Fax 978- 282-3051

## CITY COUNCIL AND

#### CITY COUNCIL STANDING COMMITTEE

Ordinance & Administration Monday, March 16, 2009 – 7:00 PM Council Conference Room (First Floor) City Hall

- 1. Appointments
  - a. Robert Chandler Historic District Commission (TTE 2/12/2012)
  - b. Arlene Hill Board of Registrars (TTE 2/12/2012)
  - c. Mark Evans Board of Health (TTE 2/14/2012)
  - d. Robert Wolfe Historical Commission (TTE 2/14/2012)
  - e. Nicole Pitts Conservation Commission (TTE 02/14/2012)
  - 2. Prohibition of Public Consumption of Marijuana.
  - 3. Proposal to regionalize Veteran's services.
  - 4. COM2009-005 Memo from Councilor Tobey regarding request for documents. (cont from 3/9/09)
  - 5. Order 2009-005 (Hardy/Tobey) Review of Council Procedures. (cont from 3/9/09)

COMMITTEE

Councilor John "Gus" Foote, Chair Councilor Sefatia A. Romeo, Vice Chair Councilor Bruce Tobey

C: Mayor Jim Duggan Robert Chandler Arlene Hill Mark Evans Robert Wolfe Nicole Pitts Lt. Joe Aiello



TEL 978-281-9700

FAX 978-281-9738

ckirk@ci.gloucester.ma.us

# CITY OF GLOUCESTER OFFICE OF THE MAYOR

February 9, 2009

Mr. Robert Chandler 30 Langsford Street Gloucester, MA 01930

Dear Rob:

I am pleased to reappoint you to a three year term on the Historic District Commission. Your appointment will be sent to the City Council for their meeting of February 24, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kark

Mayor

Enclosure CAK/c

## The City of Gloucester, Massachusetts

Dear Robert Chandler, 30 Langsford Street, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you to the Historic District Commission of the City of Gloucester, Massachusetts.

The second variety of	Effective February 15, 2009. This is a 90-day temporary appointment. After City Council approval, term to expire 2/14/2012.
	Respectfully,  Mayor
N.B.	You are required to be sworn in at the office of the City Clerk before acting under the appointment.
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(Code 1970, § 2-331)

State law reference(s)-Similar provisions, M.G.L.A. c. 40, § 80

# HISDRIC DETRICT

Sec. 16-34. Rules and regulations, penalty for violations thereof.

The conservation commission may adopt rules and regulations governing the use of land and waters under its control, and prescribe penalties, not exceeding a fine of one hundred dollars (\$100.00), for any violation thereof.

(Code 1970, § 2-332)

State law reference(s)--Similar provisions, M.E.L., c. 40, § 8C.

Secs. 16-35-16-44. Reserved.

#### ARTICLE IV. RESERVED\*

\*Editor's note--An ordinance of May 27, 1986, § I, repealed Art. IV, §§ 16-45--16-48, perfaining to the downtown development commission, as derived from Code 1970, §§ 2-444-2-417.

Secs. 16-45-16-59. Reserved.

#### ARTICLE V. HISTORIC DISTRICT\*

\*State law reference(s)-Historic districts, M.G.L.A. c. 40C.

#### Sec. 16-60. Purpose.

The purpose of this article is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history or architecture of the city, and through the maintenance and improvement of settings for such buildings and places and the encouragement of designs compatible therewith.

(Ord. of 5-24-77, § 2)

State law reference(s)--Similar provisions, M.G.L.A. c. 40C, § 2.

#### Sec. 16-61, Created.

There is hereby established under the provisions of M.G.L.A. a historic district to be known as the Gloucester Historic District, which district shall include the area as shown on the plan on file in the city clerk's office.

(Ord. of 5-24-77, § 3)

State law reference(s)-Municipal authority to establish historic districts, M.G.L.A. c. 40C, § 3.

## Sec. 16-62. Historic district commission--Established; membership; term of office; office.

(a) There is hereby established, under M.G.L.A. c. 40C, a historic district commission with

all the powers and duties of a historic district commission specified in M.G.L.A. c. 40C.

- (b) The historic district commission shall consist of seven (7) regular members and two (2) alternate members, appointed by the mayor, subject to confirmation by the city council who shall serve staggered terms of three (3) years. The commission shall include one (1) regular member appointed from two (2) nominees submitted by the Cape Ann Historical Association, one (1) regular member appointed from two (2) nominees submitted by the Boston chapter of the American Institute of Architects and one (1) regular member appointed from two (2) nominees submitted by the Cape Ann Board of Realtors. Two (2) regular members of the commission shall be owners of property within a historic district in the city. All members of the commission, with the exception of that member nominated by the Boston chapter of the American Institute of Architects, shall be residents of the city. Vacancies shall be filled by appointment for the unexpired term. In case of the absence, inability to act or unwillingness to act because of self-member designated by the chairman. Each member and alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation.
- (c) The historic district commission shall elect annually a chairman and vice-chairman from its own number and a secretary from within or without its number.

(Ord. of 5-24-77, § 4)

Cross reference(s)--Boards, commissions, councils and committees, § 2-400 et seq.

State law reference(s)--Municipal authority to establish historic district commission, M.G.L.A. c. 40C, § 4.

#### Sec. 16-63. Same--Duties.

- (a) In passing upon matters before it, the historic district commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the commission may in appropriate cases impose dimensional and set-back requirements in addition to those required by applicable Code section, ordinance or by-law. The commission shall not consider interior arrangements or architectural features not subject to public view.
- (b) The historic district commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the historic district.

(Ord. of 5-24-77, § 5)

State law reference(s)--Similar provisions, M.G.L.A. c. 40C, § 7.

### Sec. 16-64. Same--Limitations on authority.

- (a) Notwithstanding any contrary provision of this article, the authority of the historic district commission shall not extend to control of the following categories of buildings, structures, or exterior architectural features:
  - (1) Terraces, walks, driveways, sidewalks, and other similar structures, provided the structure is at grade level;

- (2) Storm doors and windows, screen doors and windows, window air conditioners, lighting fixtures, antennas, and similar appurtenances:
- (3) The color of paint:
- (4) Temporary signs and structures, provided, however, that the commission shall have authority to define "temporary signs" and "temporary structures:"
- (5) The repair or reconstruction of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided that: the exterior design is found by the commission to be substantially similar to the original and the repair or reconstruction is begun within one (1) year after the damage occurred and is carried on with due diligence.
- (b) The authority of the historic district commission shall, however, extend to parking areas used by three (3) or more vehicles, provided any such area is visible from any public or private way within the district.

(Ord. of 5-24-77, § 7; Ord. of 1-22-80, § I; Ord. of 2-21-84, § I)

State law reference(s)-Similar provisions, M.G.L.A. c. 40C, § 8.

### Sec. 16-65. Appeals from determinations of historic district commission.

Any applicant aggrieved by a determination of the historic district commission may, within twenty (20) days after the filing of the notice of the determination contested with the city clerk, file a written request with the commission for a review by a person of competence and experience in such matters, designated by the Metropolitan Area Planning Council. The finding of the person or persons making such review shall be filed with the city clerk within forty-five (45) days after the filing of the request and shall be binding on the applicant and on the commission, unless an appeal is sought in court as provided in M.G.L.A. c. 40C, § 12A.

(Ord. of 5-24-77, § 6)

State law reference(s)-Similar provisions, M.G.L.A. c. 40, § 12.

#### Chapter 17 POLICE\*

\*Cross reference(s)--Offenses generally, § 14-1 et seq.; alarm systems, § 14-26 et seq.; Ch. 14; traffic and motor vehicles, Ch. 22.

State law reference(s)-Police generally, M.G.L.A.c. 147.

#### ARTICLE I. IN GENERAL

### Sec. 17-1. Administration of waterways

- (a) Police department. [The following duties shall be the responsibility of the police department in the administration of waterways:]
  - (1) Enforce all Massachusetts Commonwealth laws while patrolling the city waterways.
  - (2) Operate maintain and manage equipment and vessels assigned (Police boat/fire
  - (3) Investigate, prosecute criminal activity on waterways and waterfront in

58 Rowley Shore, Gloucester, MA 01930 Phone: 978-281-4050 • E-Mail: beyondherebedragons@yahoo.com

Date: February 1, 2009

Mayor Carolyn A. Kirk City Hall 9 Dale Ave Gloucester, MA 01950 FEB 5 Z009

Mayor's Office

Dear Mayor Kirk:

RE: Vacancy in the Board of Registrars

I am hereby submitting my application for a position on the above-referenced Board.

As you may be aware, I have been actively volunteering my time in the City Clerk's office for the past several years. During this time I have been involved in registering voters, filing voter registrations and answering questions from citizens relating to voter services.

When the vacancy for the Board of Registrars became available members of the City Clerk's office suggested that I apply because of my active involvement, knowledge and willingness to help them whenever needed.

As Chair of the Voter Services Committee of the LWV of Cape Ann I am an unenrolled voter.

I look forward to hearing from you.

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Sincerely,

Arlene Hill



TEL 978-281-9700 FAX 978-281-9738 ckirk@ci.gloucester.ma.us

# CITY OF GLOUCESTER OFFICE OF THE MAYOR

February 9, 2009

Ms. Arlene Hill 58 Rowley Shore Gloucester, MA 01930

Dear Arlene:

Thank you for your interest in serving on the **Board of Registrars**. I have issued you a 90-day temporary appointment to serve on this Board which will enable you to attend and vote at meetings. Please report to the City Clerk's office to pick up your appointment card (copy enclosed) and be sworn in at your earliest convenience.

Your letter of interest will be forwarded to the City Council for their meeting of February 25, 2009. Your appointment will then be referred out to the Ordinance and Administration subcommittee, and you will receive a notice from the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk

Mayor

cc: Robert Whynott, City Clerk

Enclosure CAK/c

## The City of Gloucester, Massachusetts

Dear Arlene Hill, 58 Rowley Shore, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you to the Board of Registrars of the City of Gloucester, Massachusetts.

Effective February 17, 2009.
This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2012.

N.B.	Respectfully,  Mayor  You are required to be sworn in at the office of the City Clerk before acting under the appointment.
SWOR	

# The General Laws of Massachusetts Search the Laws

# PART I. ADMINISTRATION OF THE GOVERNMENT TITLE VIII. ELECTIONS

Go To:

Next Section
Previous Section
Chapter Teble of Contents
MGL Search Page
General Court Home
Mass.gov

CHAPTER 51, VOTERS

#### REGISTRARS OF VOTERS

Chapter 51: Section 15. Board of registrars in certain cities and towns; appointment; term of office

Section 15. Except as provided in section seventeen, there shall be in every city, other than one having a board of election commissioners or an election commission, and in every town a board of registrars of voters consisting of the city or town clerk and three other persons who shall, in a city, be appointed by the mayor, with the approval of the aldermen, and in a town, by a writing signed by the selectmen and filed with the town clerk. When a board of registrars is first appointed, the registrars shall be appointed in February or March for terms respectively of one, two and three years, beginning with April first following. In February or March in every year after the original appointment, one registrar shall be appointed for the term of three years, beginning with April first following.

As the terms of the several registrars expire, and in case a vacancy occurs in the board of registrars of voters, the selectmen or the appointing authority shall so appoint their successors that as nearly as possible the members of the board shall represent the two leading political parties, as defined in section one of chapter fifty; provided, that a city or town clerk need not be enrolled in a political party; and provided further, that in no case shall an appointment be made as to cause a board to have more than two members, including the city or town clerk, of the same political party. Every such appointment shall be made in a town by the selectmen or the appointing authority from a list to be submitted to them by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the town, selected by a majority vote at a duly called meeting, at which a quorum is present, of such committee; and every member of a board of registrars of voters shall serve until the expiration of his term and until his successor has qualified; provided, however, if the chairman of the town committee has not submitted such list to the selectmen or the appointing authority within forty-five days after a notification to said chairman by certified mail, the selectmen or the appointing authority shall make said appointment without reference to such a list.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700 FAX 978-281-9738 ckirk@ci.gloucester.ma.us

# CITY OF GLOUCESTER OFFICE OF THE MAYOR

February 5, 2009

Mr. Mark Evans 35 Riverview Road Gloucester, MA 01930

Dear Mark:

I am pleased to reappoint you to a three year term on the Board of Health. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Carolyn A. Kirk

Mayor

Enclosure CAK/c

## The City of Gloucester, Massachusetts

Dear Mark Evans, 35 Riverview Road, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you to the Board of Health of the City of Gloucester, Massachusetts.

Effective February 15, 2009.
This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2012.

Respectfully,

Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting under the appointment.

SWORN IN	
	$BY_{\perp}$

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(Code 1970, § 2-187)

State law reference(s)-Selection of board chairman, M.G.L.A. c. 41, § 24.

#### Sec. 2-417. Duties of secretary.

The secretary of the board of assessors shall keep a full and complete record of the doings of the board, and shall have in his custody the official records to be kept by assessors and he likewise shall perform the duties required of a secretary of a board of assessors by law or as may be required by the commissioner of the department of revenue of the commonwealth.

(Code 1970, § 2-188)

State law reference(s)--Selection of segretary, M.G.L.A. 41, § 24.

#### Sec. 2-418. Books and records.

The board of assessors shall cause to be carefully protected and preserved all books, records and papers belonging to the assessor's department and a detailed and accurate record in permanent form shall be kept relating to all the official acts of the board of assessors.

(Code 1970, § 2-189)

Secs. 2-419--2-424. Reserved.

#### **DIVISION 3. BOARD OF HEALTH\***

\*State law reference(s)--City and town boards of health generally, M.G.L.A. c. 111, §§ 26--32.

### Sec. 2-425. Composition; appointment, term and removal of members.

The board of health shall consist of five (5) members all of whom shall be appointed by the mayor, subject to the approval of the city council, staggered terms of three (3) years each.

(Code 1970, § 2-297; Ord. No. 4-1991, § I, 2-26-91)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 26.

#### Sec. 2-426. Members not compensated.

Members of the board of health shall receive no compensation for their services.

(Code 1970, § 2-298)

State law reference(s)--Members of board of health to receive such compensation as council determines, M.G.L.A. c. 111, § 26.

#### Sec. 2-427. Selection of chairman.

The board of health shall organize annually by the selection of one (1) of its members as chairman.

(Code 1970, § 2-299)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 27.



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# CITY OF GLOUCESTER OFFICE OF THE MAYOR

February 5, 2009

Mr. Robert Wolfe P.O. Box 1600 Gloucester, MA 01930

Dear Mr. Wolfe:

I am pleased to reappoint you to a three year term on the Historical Commission. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not-hesitate to contact my office.

Thank you again.

Carolyn A. Kirk

Mayor

Enclosure CAK/c

### The City of Gloucester, Massachusetts

Dear Robert Wolfe, P.O. Box 1600, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you to the Historical Commission of the City of Gloucester, Massachusetts.

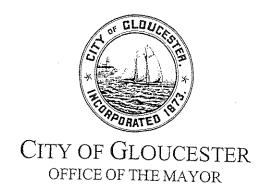
Effective February 15, 2009.
This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2012.

Respectfully,	
Caron h	Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting under the appointment.

SWORN IN	B	7
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City Hall Nine Dale Avenue Gloucester, MA 01930



TEL 978-281-9700 FAX 978-281-9738 ckirk@ci.gloucester.ma.us

February 5, 2009

Ms. Nicole D. Pitts 97 Western Avenue, Apt. 2F Gloucester, MA 01930

Dear Nicole:

Thank you for your interest in serving on the **Conservation Commission**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office to pick up your appointment card (copy enclosed) and be sworn in at your earliest convenience.

Your letter of interest was forwarded to the City Council for their meeting of February 10, 2009. Your appointment will be referred out to the Ordinance and Administration subcommittee, and you will receive a notice from the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk Mayor

cc: Robert Gulla, Chair, Conservation Commission Enclosure CAK/c

### The City of Gloucester, Massachusetts

Dear Nicole Pitts, 97 Western Avenue, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you to the Conservation Commission of the City of Gloucester, Massachusetts.

Effective February 5, 2009.
This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2012.

Respectfully,	F
1 ach	Maria
	Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting under the appointment.

SWORN IN	BY
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TO:

HONORABLE CAROLYN KIRK

FROM:

LT JOE AIELLO

OPERATIONS COMMANDER

**GLOUCESTER POLICE** 

SUBECT:

PROHIBITION OF PUBLIC CONSUMPTION OF MARIJUANA

DATE:

January 6, 2009

#### Mayor Kirk:

As you are aware, Massachusetts voters on November 4, 2008, voted to "decriminalize" the possession of up to one ounce of marijuana or tetrahydrocannabinol (THC). Prior to this change in the law, police officers were empowered to arrest people whom they had probable cause to believe were in possession of either drug.

Within the approved ballot initiative is a provision which states, "Nothing contained herein shall prohibit a political subdivision of the Commonwealth from enacting ordinances or bylaws regulating or prohibiting the consumption of marihuana or tetrahydrocannabinol in public places and providing for additional penalties for the public use of marihuana or tetrahydrocannabinol."

As the open and public smoking of marijuana or hashish would be potentially disruptive, I respectfully recommend that the City of Gloucester enact such an ordinance. The new ordinance should, in my opinion, be placed in Article 14, the "Offences and Miscellaneous Provisions", specifically by amending Article 14-3 Drinking Alcoholic beverages upon public way, etc. (See page 844 of City of Gloucester Code). The new section would read as follows, with changes noted in boldface:

14-3 (c). Possession and Use Marijuana or Tetrahydrocannabinol. No person shall consume marijuana or tetrahydrocannabinol as defined by General Laws Chapter 94C, Section 1 within the limits of any park, playground, public building or any public land (but not including a public way) owned or under the control of the City of Gloucester, nor shall any person consume marijuana or tetrahydrocannabinol on any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is in, on, or upon any public way or any way to which the public has a right of access as aforesaid, within the limits of the City of Gloucester; and no person shall consume marijuana or tetrahydrocannabinol as previously defined, in, on, or upon any private land or place without the consent of the

owner or person in control of such private land or place. Any person who violates this section may be arrested by a police officer without a warrant. Marijuana or tetrahydrocannabinol being used in violation of this section may be seized and held until final adjudication of the charge against any such person or persons has been made by the court. Whoever violates the provisions of this section as it pertains to marijuana or tetrahydrocannabinol shall be punished by a fine not exceeding one hundred (100) dollars for the first offense, two hundred (200) dollars for the second offense, and three hundred (300) dollars for any third or subsequent offense.

Please let me know if you have any questions or whether I may be of further assistance.

RESPECTFULLY SUBMITTED,

Lt Joe Aiello Gloucester Police



TEL 978-281-9700 FAX 978-281-9738 ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER OFFICE OF THE MAYOR

TO:

City Council

FROM:

Carolyn A. Kirk, Mayor

DATE:

February 12, 2009

RE:

Mayor's Report for the February 24, 2009 City Council Meeting

Dear Councilors,

For your information, we have accepted the resignation of Arley Pett, Veterans' Agent for the City of Gloucester. Arley's resignation was effective Friday, February 13, 2009. During his tenure with the City, Arley served our veterans well. Please join me in wishing him the best in his future endeavors.

In terms of continuity of service to our veterans, we anticipate the following:

- The Fred W. Ritvo Veterans Center will remain open and staffed by Lucia Amero. She will continue
  her duties of administering the Federal program and handling the day-to-day activity at the Center.
- We are in discussions with a neighboring community about the possibility of regionalizing the administration of the State veterans benefits. The Commonwealth of Massachusetts Department of Veterans Services has blessed a regionalized approach.
- The Administration is reaching out to the veterans organizations and apprising them of the situation.

We will keep the City Council informed as the plan details are set.

Other matters requiring your attention and action are as follows:

Enclosure 1 is a memorandum from Community Development Director Sarah Buck requesting City Council acceptance of a Priority Development Grant in the amount of \$60,000 from the Commonwealth of Massachusetts' Interagency Permitting Board. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Sarah Buck will be available to answer questions and provide further information as required.



**GLOUCESTER CITY COUNCIL 2009** 

COMMUNICATION RECEIVED: 01/20/09 NUMBER: COM-005

NUMBER OF PAGES: 1

SUBJECT: Memo from Councillor Tobey re: Request for

**Documents** 

ACTION: Refer to O&A

January 20, 2009

To: Carolyn Kirk Mayor

From: Bruce Tobey
Council President

Subject: Request for Documents

Numerous councilors have voiced their concerns to me that the Administration needs to release promptly full and unredacted versions of two documents to the council and to the community. One of those documents is the NEMLEC report on the recent investigation of events in the Gloucester Police Department, and the other is the after-incident report on the Lorraine Apartment Building fire. I hereby request that those reports be forwarded to the council for inclusion on the agenda of our January 27, 2009 meeting.

While the council's need for this information generally mirrors that of the community at large -- the necessity that we all share complete confidence that our public safety organizations are performing with complete effectiveness and integrity -- the council as the Mayor's co-equal partner in local government has an additional reason to demand the production of these reports: having just begun a comprehensive management audit of the City's public safety departments, we must have full access to any and all information regarding their operations and practices.

Insofar as the NEMLEC report is concerned, I would make one additional point: it has been reported that this report has been deemed a personnel record because the administration and the recently-disciplined officer agreed in would be so-regarded; if that is in fact the case, I challenge that designation (which unfortunately follows in the wake of a similarly-flawed approach employed in the settlement of the Lamberis case) as being ineffective to prevent its full release as a public record.

I hope you will honor this request. In the event the documents are not released, I will propose to the council at our next meeting that we consider our options under section 2-6 of the City Charter.



### CITY OF GLOUCESTER 2009 CITY COUNCIL ORDER

ORDER:

#CC2009-05

COUNCILLOR:

Jackie Hardy/Bruce Tobey

DATE RECEIVED BY COUNCIL: 01/27/09

REFERRED TO:

0&A

FOR COUNCIL VOTE:

Ordered that the City Council review the current Council Rules of Procedure in order to bring them up to date, and further

Ordered that this matter be referred to O&A for recommendations.

Councillor Jackie Hardy Councillor Bruce Tobey

### CITY COUNCIL – CITY OF GLOUCESTER RULES OF PROCEDURE 1997-1998

(Revised by Vote of the City Council 1/11/94, 4/5/94, 7/12/94, 7/19/94, 9/6/94/, 4/2/96, 2/18/97, 2/17/98, 11/10/98, 2/29/00 and 1/15/02)

#### **RULE 1: MEETINGS**

- A. Regular City Council meetings shall be held every other Tuesday beginning May 3, 1994, including the months of June, July, and August, and shall begin at 7:00 P.M., unless the City Council votes otherwise.
- B. All regular meetings shall be concluded on or before 11:00 P.M. unless extended by a 2/3's vote of the Council members present. Such an extension shall not exceed 30 minutes in length. If necessary, the meeting shall be continued to another evening.
- C. Special meetings of the City Council may be called in accordance with Section 2-5 of the City Charter.
- D. When a City Councilor is unable to be present or arrival will be delayed at the City Council Meeting or a Standing Committee meeting, he or she shall report same in advance to the City Clerk's Office or to the Clerk of Committees.

#### **RULE 2: ORDER OF BUSINESS**

The following list establishes the Order of Business for City Council meetings. It is understood that in special situations, the City Clerk and the Council President may rearrange the calendar(s) in the interest of public convenience:

- 1. Flag Salute
- 2. Moment of Silence
- 3. Oral Communications\*
- 4. Commendations \*\*
- 5. Confirmation of Appointments
- 6. Consent Agenda
- 7. Mayor's Report
- 8. Councilor Requests to the Mayor
- 9. Approval of Previous Minutes
- 10. Unfinished Business
- 11. Scheduled Public Hearings
- 12. Standing Committee Reports
- 13. Communications
- 14. Applications and Petitions
- 15. Councilors' Orders
- 16. Council Discussion, including reports by appointed Councilors to Committees.
- 17. Name of Councilor by rotation designated to vote first on roll calls.
- 18. Listing of Minutes from miscellaneous Boards filed for record.
- \* Oral Communications shall allow any resident who has a request or complaint of any nature relative to City business to appear before the Council, state their problem, without debate, and the matter shall be referred to the proper agency, through the Office of the Mayor. The resident must be notified in writing within 2-week period of disposition of same, and a copy shall be forwarded to the City Council.
- \*\*Commendations When Councilors submit orders for commendations, the Council President shall schedule them as soon after the final ???? (date?) as practicable.

#### **RULE 3: AGENDA PROCEDURE**

- A. All matters to be presented at regular City Council meetings shall be filed with the City Clerk's Office not later than 4:00 P.M. on Wednesday preceding regular Tuesday Council meetings.
- B. Standing Committee reports shall be delivered to the City Council with the agendas. Reports of Committee meetings held on Mondays preceding the regular Council meetings shall not be considered until the next regular meeting (except by unanimous consent of the City Council).
- C. The City Clerk shall arrange delivery of the agendas (calendars of business and enclosures) to the City Councilors on the Friday preceding the regular Council meetings.
- D. Any addendum or other matter filed after the closing time noted, shall be listed on a "Unanimous Consent" calendar and shall be considered at said Council meeting, provided no member objects. If any member objects, then said item(s) shall be considered at the next regular Council meeting.
- E. Whenever correspondence, written reports or other pertinent documents, are received by the Council President or an individual Councilor (in the name of the City, the Council or agencies of the Council) copies of said document(s) shall be filed with the City Clerk for inclusion on the next Council calendar of business; and when possible, copies shall be forwarded to individual City Councilors.

#### **RULE 4: PUBLIC HEARINGS**

All public hearings conducted by the City Council shall proceed with the following format which shall be printed on the back of the meeting agenda.

- A. Public Hearing opened by Council President
- B. PRESENTATIONS FROM PROPONENTS. In matters related to Special Permits, petitioners may make initial oral presentations up to thirty (30) minutes; others speaking in favor shall be allowed up to five (5) minutes each. Proponents are encouraged to enter into the record, documentation of their presentation testimony.

  In Public Hearings considering general matters, each individual may speak for up to five () minutes
- C. PRESENTATIONS FROM OPPONENTS. Opponents shall be allowed initial oral presentations up to thirty (30) minutes in total; others speaking in opposition shall be allowed up to five (5) minutes each. Opponents are also encouraged to enter into the record documentation of their testimony.
- D. COMMUNICATIONS READ INTO THE RECORD AND FILED.
- E. REBUTTALS. Proponents shall be allowed one person to make rebuttal up to five minutes and opponents shall be allowed a total of five minutes by one person representing the opposition.
- F. QUESTIONS by City Councilors and the audience to either side.
- G. PUBLIC HEARING OFFICIALLY CLOSED.
- H. STANDING COMMITTEE REPORTS. The three "standard" conditions placed upon all Special Council Permits shall be printed on a sheet of paper and handed to the applicant and the reading of same shall be waived each time after the Public Hearing
- I. COUNCIL DISUCSSION.
- J. ROLL CALL VOTE(s). Unless the Council chooses to postpone the vote pending further information.

#### **RULE 5: RULES OF DEBATE**

City Council debate shall be guided by the Council President within the following constraints:

- A. No member shall speak more than once on the same question until all other members desiring to speak have spoken;
- B. No member shall have or hold the floor for more than 5 consecutive minutes during debate on the same guestion, and:
- C. No member shall discuss any individual or company in a derogatory manner without first notifying the party(ies) involved. Upon notice, the matter shall be placed on the agenda for a future meeting.

These constraints may be lifted by the Council President for good cause or by a 2/3's Roll Call vote of Councilors present.

Roberts Rules of Order shall prevail on all matters not specifically covered by these Rules of Procedure.

#### **RULE 6: MANNER OF VOTING**

- A. Roll Call votes shall be conducted in the following manner:
- B. The Clerk shall call the name of each City Councilor in alphabetical order. The first name on the roll call shall be rotated at every new meeting.

#### **RULE 7: COMMITTEES**

- A. Council Committees shall be established as set forth in City Charter Sections 2-9 a,b,c, and d.
- B. When a member of a Standing Committee is absent, the Committee Chairman should appoint another Councilor as an alternate member of said Committee with voting authority.
- C. Ad Hoc Committees may be established by the City Council, the members of which shall be appointed by the Council President.
- D. Should a Committee schedule a daytime meeting and any Councilor objects, the meeting shall be rescheduled to an evening meeting.

#### **RULE 8: ADMINISTRATIVE PROCEDURES**

- A. All requests of Councilors to the Mayor's Office or City Department Heads shall be processed through the Mayor's Office in writing (on standard "blue slip" memo forms with one subject to each sheet). Requests may also be processed in this manner through the City Clerk or the Clerk of Committees. There is no need to put such a "blue slip" request into the City Council record at Council meetings, unless special requests are voted officially by the full City Council.
- B. The Mayor's Administrative Assistant shall be responsible for implementing or otherwise responding to all Councilors' requests. In all cases, replies to the originating Councilor request(s) shall be processed and in hand within two weeks.
- C. In emergency situations, at their discretion, individual Councilors may contact the Director of Public Works or Department managers directly to make reasonable requests on behalf of citizens, but Councilors are not to influence employees in any way that may conflict with instructions from their Department Head or delegated supervisors.
- D. Official requests of the full City Council will be handled in a similar fashion by the Administration, but interim and final reports should appear in the Mayor's Bi-Weekly Reports to the City Council.

#### RULE 9: VACANCIES IN POSITIONS OF CITY CLERK OR CITY AUDITOR

- A. Within one week of the council learning of a vacancy or impending vacancy in the City Clerk or City Auditor's positions, the positions shall be advertised in a Boston and a local newspaper on two consecutive days and in one Boston Sunday newspaper. The weekday advertisements shall appear simultaneously
- B. Advertisements shall indicate that the applications must be in a sealed envelope with the words "Auditor Application" or "Clerk Application" clearly printed on the outside and mailed to the City Clerk's Office. Applications must be received by the City Clerk's Office no later than three weeks from the first day of advertisement.
- C. Upon receipt of applications by the City Clerk, each envelope shall be date stamped, sequentially numbered but not opened.
- D. The City Clerk shall deliver the applications marked "Clerk Application" to the Ordinances and Administration Committee and applications marked "Auditor Application" to the Budget and Finance Committee, where the applications shall be opened, evaluated and screened to select a group of six finalists for personal interview by the Committee.
- E. The appropriate City Council Standing Committee, after reviewing resumes, conducting personal interviews, and doing reference checks shall submit the names of three finalists to the full City Council no later than five weeks from the closing date of the application period.
- F. Following receipt of the report of the Ordinance and Administration Committee, the City Council shall conduct interviews and make a final selection within two weeks.

#### **RULE 10: SPECIAL PERMITS**

A. During discussion of Special Permits, Councilors are required to give testimony on their reasons for voting based upon the judging criteria in Section 1.4.2.2.(e) of the Zoning Ordinance.

#### **RULE 11: MINUTES**

A. Minutes of Council meetings shall only be altered or approved by the full City Council at a regularly scheduled meeting.

#### RULE 12: TRANSFERS and AUTHORIZATION for SIGN-OFF

- A. City Council Transfers are to be signed by the Department Head, being defined as the Chairman or Vice Chairman of the appropriate Standing Committee of the City Council. In the absence of the Chairman or Vice Chairman, the Council President is authorized to sign.
- B. Sign Off Authority:
  - Authority to sign off on City Council, Personal Services, Line 5110 to City Clerk
  - Authority to sign off on City Council, Ordinary Contracted Services Line 5200 to City Clerk
  - Authority to sign off on City Council, Ordinary Account lines 5710 and 5720 to Budget and Finance Committee Chairperson or, in his/her absence, Budget and Finance Committee Vice Chairperson.

(Revised 1/11/94, 4/5/94, 7/12/94, 7/19/94, 9/6/94/, 4/2/96, 2/18/97, 2/17/98, 11/10/98, 2/29/00 by Vote of the City Council)